

REMARKS/ARGUMENTS

The Office Action of May 24, 2006, has been carefully considered.

It is noted that claims 1-3, 12 and 13 are rejected under 35 U.S.C. 102(b) over the patent to Wolf.

Claims 1-3, 6, 12 and 13 are rejected under 35 U.S.C. 102(e) over the patent to Burreson.

Claim 6 is rejected under 35 U.S.C. 103(a) over Wolf in view of Burreson, et al.

Finally, it is noted that claims 4, 5 and 7-11 would be allowable if rewritten in independent form.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and once again particularly to the patent to Wolf, it can be seen that this patent discloses a fluid-powered actuator having a cylinder with magnetic field detectors thereon and a magnetized piston rod. The Examiner takes the position that Wolf discloses two Hall sensors that are spaced from one another in a direction of movement of a piston. As shown in FIG. 1 of Wolf, the Hall sensors 32, 34 are arranged directly opposite one another so that a piston rod 1 can pass therebetween. Both Hall sensors 32, 34 are at the same elevation. The piston 14 moves up and down in FIG. 1. Applicant submits that it is clear that the Hall sensors 32, 34 are not spaced from one another in a direction of movement of the piston, as in the presently claimed invention. In Wolf the piston would have to move from side to side in FIG. 1 in order to meet the limitations of the

presently claimed invention. This is plainly not the case.

Relative to claim 3, the reference numeral 24 of Wolf does not refer to a substrate. In Wolf, the reference numeral 24 is specifically indicated as being a cylinder head. This can be seen in FIG. 2 of Wolf. In FIG. 2 it is also shown that the Hall sensors 32, 40 are at the same elevation and are not spaced from one another in the direction of movement of the piston, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-3, 12 and 13 under U.S.C. 102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Burresen, et al. discloses a position indicating system. Burresen, et al. do not disclose or suggest a coil to which a current is applied and whose magnetic field permits the switching points of the Hall sensors to be adjusted in response to the coil current, as in the presently claimed invention. The elements 36, 38 and 40 are pins or contacts that project from the housing of the Hall sensor 31. Simply because these elements are illustrated with an oval does not in any way disclose a coil. The Examiner's interpretation of this illustration is merely conjecture and is not based on any disclosure or teaching contained in the Burreson, et al. patent. The rejection under 35 U.S.C. 102 requires disclosure of all of the features recited in a claim. Applicant submits that these ovals illustrated in FIG. 7 do not in anyway disclose a coil, which is a structural element known to those skilled in the art. The Examiner's reliance on the shape of an element shown in a figure as argument of disclosure of a coil is unfounded since the description in the specification of Burreson, et al. regarding these elements indicated with an oval specifically refers to them as pins or contacts. There is absolutely no disclosure of a coil and to read these elements 36, 38 and 40 as being a coil or part of a coil is well beyond any teaching or disclosure of the reference.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-3, 6, 12 and 13 under 35 U.S.C. 102(e) over the above discussed reference is

overcome and should be withdrawn.

The Examiner combined Wolf and Burreson, et al. in rejecting claim 6 under 35 U.S.C. 103(a). Applicant respectfully submits that a combination of these references does not teach the presently claimed invention as discussed above in connection with the rejection of the independent claim.

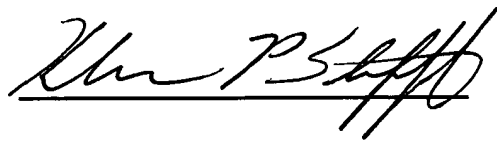
Thus, it is respectfully submitted that the rejection of claim 6 under 35 U.S.C. 103(a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

In the event any actual fee is greater than any payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 06-2143.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 24, 2006:

Respectfully submitted,



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August 24, 2006

Date of Signature

KPS/mj